No. 48713-6-II

COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

WALLACE PRUITT, III,

Appellant.

On Appeal from the Pierce County Superior Court
Cause No. 15-1-01419-8
The Honorable Bryan Chushcoff, Judge

OPENING BRIEF OF APPELLANT

STEPHANIE C. CUNNINGHAM
Attorney for Appellant
WSBA No. 26436

4616 25th Avenue NE, No. 552
Seattle, Washington 98105
Phone (206) 526-5001

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2. The State failed to prove beyond a reasonable doubt that Wallace Pruitt had knowledge of the protection order, which is an essential element of the crime of violating a protection order.

3. Any future request by the State for appellate costs should be denied.

II. ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR

1. Did the trial court err when it allowed statements to be presented to the jury under the "excited utterance" hearsay exception where the evidence did not establish that the declarant was under the stress of excitement from the "startling event," but instead showed that the declarant had the opportunity to, and actually did, fabricate portions of her statement? (Assignment of Error 1)

2. Did the State fail to prove every element of the crime of violation of a protection order when it failed to present reliable evidence that Wallace Pruitt knew of the existence

and terms of the protection order? (Assignment of Error 2)

3. If the State substantially prevails on appeal and makes a request for costs, should this Court decline to impose appellate costs where the trial court did not make a finding that Wallace Pruitt has the present or future ability to pay trial costs, he has previously been found indigent, and there is no evidence of a change in his financial circumstances? (Assignment of Error 3)

III. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

The State charged Wallace Pruitt with one count of second degree assault (RCW 9A.36.021), two counts of unlawful possession of a firearm (RCW 9.41.040), three counts of tampering with a witness (RCW 9A.72.120), and nine counts of violation of a protection order (RCW 26.50.110). (CP 8-16) The State also alleged that Pruitt was armed with a firearm during the assault offense (RCW 9.94.530), and that all fifteen offenses were domestic violence incidents (RCW 10.99.020). (CP 8-16)

The jury convicted Pruitt as charged. (CP 107-36; 9RP 895-

98)[1] Pruitt stipulated to his offender score. (10RP 911; CP 140-43) The trial court sentenced Pruitt to the statutory maximum of 120 months of incarceration. (10RP 938; CP 153) Pruitt timely appeals. (CP 174-93)

B. SUBSTANTIVE FACTS

Carol Spearance (formerly Carol Curry) and Anthony Curry were married for 25 years and had four children together. (3RP 110, 112-13; 5RP 419) Curry ended the marriage in 2014, leaving Spearance devastated. (RP 113-14, 117-18) But Spearance soon met and began dating Wallace Pruitt. (3RP 114-15) Although their relationship had some troubled moments, and Spearance was still dealing with the emotional fallout of her divorce, they were generally happy and moved into a house together in December of 2014. (3RP 116, 117-18)

Spearance testified that she was struggling with drug and alcohol abuse, and that she made some poor and regrettable choices during that time. (3RP 117, 124, 155) These poor choices included suggesting that she and Pruitt and another woman named Tammy engage in a sexual "threesome" on April 11, 2014. (3RP

[1] The transcripts labeled volumes 1 through 10 will be referred to by their volume number (#RP). The remaining transcript will be referred to by the date of the proceeding.

119-20, 122)

That evening, Spearance, Tammy and Pruitt went out to a bar together. Spearance drank a significant amount of alcohol, but Pruitt abstained. (3RP 122-24) Around 11:00 PM they went back to Spearance and Pruitt's house, and spent the next hour or so engaged in the threesome. (3RP 125) Spearance explained that she became upset because she felt that Pruitt was paying too much attention to Tammy, and that made her feel insecure and jealous. (3RP 125-26) So Spearance left the room and drank several alcoholic beverages in an effort to calm herself down. (3RP 125-26)

After Tammy left, Spearance could feel herself becoming angrier and angrier, so she returned to the bedroom and "lit into" Pruitt. (3RP 127-28) She yelled at him and called him names, generally "antagonizing him." (3RP 128) Pruitt tried to calm Spearance down, but she was drunk and angry and could not be soothed. (3RP 128) Spearance then got into her car and drove away. (3RP 128) She returned a short time later, but was still angry so she started to drive away again. (RP 128) Pruitt, who was concerned about Spearance driving while intoxicated, banged on the car windows and yelled at her to stop. (RP 130) But she left

anyway. (3RP 130)

Spearance returned again later and saw that Pruitt had left. (3RP 129) Spearance testified that this made her even more upset, so she went inside and "was sitting there working myself up, freaking out, drinking more, and just working myself into a complete frenzy, crying, freaking out." (3RP 129) She was so drunk at this point that she fell down the stairs into the garage and hurt her jaw. (3RP 129)

Sometime around 3:00AM, Spearance called her teenage daughter in hysterics, and told her that Pruitt had shot her in the vagina and stepped on her jaw, and that she was bleeding. (3RP 132; 4RP 288-89; 5RP 392-93) Anthony Curry took the phone from his daughter and spoke to Spearance. (5RP 394, 422) Spearance sounded hysterical and scared, and said that Pruitt had choked her. (5RP 423-24) Curry called 911. (5RP 424)

Tacoma police officers responded, expecting to find a shooting victim. (5RP 468, 475, 477; 6RP 596) When they located a crying Spearance in her car a few blocks from her house, she was not suffering from a gunshot wound and was not bleeding. (5RP 469, 477; 6RP 597-98, 629) Spearance told the officers that Pruitt had placed a .45 caliber handgun in her mouth and into her

vagina, and had strangled her. (4RP 290; 5RP 469-70; 6RP 600-01) One officer noted red marks on Spearance's neck. (6RP 600, 622)

Pruitt arrived in another car a short time later, and was concerned that Spearance may have been in a wreck. (5RP 470; 6RP 602, 621) He told the officers that they had been arguing, and that he tried to stop Spearance from leaving because she was intoxicated and should not drive. (5RP 471-72, 483) Officers who went to Spearance's house found nothing out of order, but did find an operable shotgun in the closet of the master bedroom. (6RP 519, 607) Also, later that day Spearance's neighbor across the street reported that her front window appeared to have been shot at, and she found what looked like a bullet fragment in her living room. (6RP 563, 581) Police could not determine what caliber firearm the fragment might have been fired from, and also never located a .45 caliber handgun. (6RP 526, 533)

Curry received several text messages from Spearance later that morning. (Exh. P53) In those messages, which were introduced for the limited purpose of impeaching Spearance's credibility, Spearance told Curry that Pruitt had put a gun in her mouth and vagina, had choked her several times to the point of

losing consciousness, and had shot at her as she tried to leave in her car. (5RP 438-40; Exh. P53)

The State filed charges on April 13, 2015, and on the same day the court entered a protective order prohibiting Pruitt from contacting Spearance (Carol Curry). (CP 1-2; Exh. 42) The State introduced recordings and records of phone calls between Spearance and a jailed Pruitt. (Exhs. P1A, P1B; 3RP 172-85) They discuss the incident and the case, and Pruitt seems to be explaining to Spearance how to guarantee that the charges against him would be dropped or the jury would acquit. (Exhs. P1A, P1B; 4RP 208-18) But Spearance testified that Pruitt was simply encouraging her to tell the truth, which was that he did not assault her. (4RP 193, 195, 203, 205-06, 220, 222, 285, 288-89)

IV. ARGUMENT & AUTHORITIES

A. SPEARANCE'S HEARSAY STATEMENTS SHOULD NOT HAVE BEEN ADMITTED UNDER THE EXCITED UTTERANCE EXCEPTION BECAUSE SPEARANCE HAD THE OPPORTUNITY TO, AND ACTUALLY DID, FABRICATE DETAILS OF THE EVENT IN HER STATEMENTS.

The State called several witnesses to recount hearsay statements, describing the alleged assault and identifying Pruitt as the perpetrator, made by Spearance to family and law enforcement. (5RP 393, 423-24, 469-70; 6RP 600-01) Pruitt repeatedly but

unsuccessfully objected, arguing that the statements were not reliable because a significant period of time had elapsed between the event and the statements, and because Spearance had already and admittedly fabricated certain details of the incident. (2RP 62-63, 69-70; 5RP 380-85, 423) The trial court's decision to allow the State to present this testimony under the excited utterance exception to the hearsay rule was improper and an abuse of discretion. (2RP 68-69; 5RP 378-80, 380, 386) State v. Young, 160 Wn.2d 799, 806, 161 P.3d 967 (2007) (a trial court's decision to admit a hearsay statement under the excited utterance exception is reviewed for abuse of discretion).

Although ER 801(c) generally excludes out-of-court statements offered to prove the truth of the matter asserted, ER 803(a)(2) excepts "[a] statement relating to a startling event or condition made while . . . under the stress of excitement caused by the event or condition." According to the advisory committee that promulgated Federal Rule of Evidence 803(2), on which Washington's ER 803(a)(2) was modeled, the underlying theory "is simply that circumstances may produce a condition of excitement which temporarily stills the capacity of reflection and produces

utterances *free of conscious fabrication*."[2] (Emphasis added.)

Accordingly, "the 'key determination is whether the statement was made while the declarant was still under the influence of the event to the extent that [the] statement could not be the result of fabrication, intervening actions, or the exercise of choice or judgment.'" State v. Strauss, 119 Wn.2d 401, 416, 832 P.2d 78 (1992) (alteration in original) (quoting Johnston v. Ohls, 76 Wn.2d 398, 406, 457 P.2d 194 (1969)).

Spontaneity is crucial. State v. Briscoeray, 95 Wn. App. 167, 173, 974 P.2d 912 (1999). To determine whether a statement is sufficiently spontaneous, courts look to the amount of time that passed between the startling event and the utterance, as well as any other factors that indicate whether the witness had an opportunity to reflect on the event and fabricate a story about it. Briscoeray, 95 Wn. App. at 173-74.

A later recantation does not disqualify the statement as an excited utterance. Briscoeray, 95 Wn. App. at 173. But if the witness had an opportunity to, and did fabricate a lie after the startling event and before making the statement, the statement is

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[2] 56 F.R.D. 183, ADVISORY COMMITTEE'S NOTE at 304 (1975); accord, State v. Brown, 127 Wn.2d 749, 758, 903 P.2d 459 (1995).

not an excited utterance. State v. Brown, 127 Wn.2d 749, 757-58, 903 P.2d 459, 464 (1995) ("testimony that she had the opportunity to, and did in fact, decide to fabricate a portion of her story prior to making the 911 call renders erroneous the trial court's conclusion that the content of her call was admissible as an excited utterance").

In this case, the evidence showed that the startling event, assuming it did occur, took place *at least* 45 minutes to an hour before Spearance made her statements. (2RP 63; 3RP 125; 5RP 392; 6RP 596) Before talking to police, Spearance called her daughter and told her that Pruitt had shot her in the vagina and that she was bleeding. (3RP 132; 4RP 289; 5RP 393) Police officers were dispatched to a shooting but, when they arrived, found that Spearance had not been shot and saw no evidence that she had been bleeding. (6RP 621, 622; 7RP 702) Spearance acknowledged that she fabricated this portion of her story. (3RP 132; 4RP 270-71, 289)

As with the alleged victim in Brown, Spearance had the time and opportunity to fabricate, and in fact did fabricate a portion of her story prior to making the hearsay statements. And as with Brown, the trial court's conclusion that the content of Spearance's

statements was admissible as an excited utterance was erroneous and an abuse of discretion.

The error in admitting the hearsay statements was not harmless.[3] These hearsay statements were the only substantive evidence admitted to establish the assault charge.[4] The State could not prove the assault charge without Spearance's hearsay statements. Thus, the improper admission of Spearance's hearsay statements clearly affected the verdict on the assault charge, and this conviction must be reversed.

B. THE STATE FAILED TO PRESENT SUFFICIENT EVIDENCE TO PROVE THAT PRUITT HAD KNOWLEDGE OF THE PROTECTION ORDER FILED AGAINST HIM.

"Due process requires that the State provide sufficient evidence to prove each element of its criminal case beyond a reasonable doubt." City of Tacoma v. Luvene, 118 Wn.2d 826, 849, 827 P.2d 1374 (1992) (citing In re Winship, 397 U.S. 358, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970)). Evidence is sufficient to support a conviction only if, viewed in the light most favorable to the prosecution, it permits any rational trier of fact to find the essential

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[3] A nonconstitutional error is harmless if, within reasonable probability, it did not affect the verdict. State v. Zwicker, 105 Wn.2d 228, 243, 713 P.2d 1101 (1986).
[4] Several other out-of-court statements Spearance made about the incident were also admitted at trial, but for impeachment purposes only. (CP 69; 3RP 186; 4RP 204; 5RP 375; 6RP 512)

elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). "A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom." Salinas, 119 Wn.2d at 201.

The State charged Pruitt with nine counts of violating a protection order. (CP 11-16) The elements of violating a protection order are: (1) an order granted under chapter 26.50, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020; (2) knowledge of the order by the person to be restrained; and (3) a violation of the restraint provisions. RCW 26.50.110(1). Thus, to convict Pruitt in this case, the State had to prove beyond a reasonable doubt that he knew of the existence of the protection order that the State alleged he violated. State v. Washington, 135 Wn. App. 42, 49, 143 P.3d 606 (2006); RCW 26.50.110(1). The State failed to prove this essential element.

In State v. France, 129 Wn. App. 907, 911, 120 P.3d 654 (2005), this Court found that a certified copy of a no-contact order signed by the defendant was sufficient to establish knowledge of that order. In this case, the State presented a certified copy of the

protection order, but that order is not signed by Pruitt. (Exh. P42, attached in Appendix) Instead, where Pruitt's signature should be, there is a computer-generated notation stating, "Defendant unable to sign: shackled." (Exh. P42) Even the judge's signature was placed on the document electronically. (Exh. P42)

Other than a boilerplate notation that the order was entered "in the presence of the Defendant," there was no proof that Pruitt was in the room when the order was entered. And, even if he was, the State presented no evidence to establish that Pruitt was informed or even aware that the protection order was being entered, or that he was given a copy of the protection order, or that the terms of the order were explained to him.[5] (Exh. P42) The State simply failed to present any evidence that Pruitt had knowledge of the existence and terms of the order it alleged he violated.

A computer-generated notation placed on a protection order by an unknown third party does not have the same guarantee of authenticity as a handwritten signature personally placed on a

[5] Spearance testified that she went to Pruitt's court hearing on April 13, 2015, and that an order, which prohibited Pruitt from contacting her, was entered at 3:26 PM that day. (3RP 163-65) That was the extent of testimony regarding the entry of the protection order.

protection order by the defendant. These anonymously-placed notations cannot alone meet the high constitutional burden of proof beyond a reasonable doubt. And they cannot be sufficient proof that a defendant was present for entry and was handed a physical copy of an order that prohibits certain conduct under penalty of imprisonment. There must be more evidence of knowledge before the State may convict and imprison a person for violating the terms of such an order. The State did not meet that simple burden here.

The reviewing court should reverse a conviction and dismiss the prosecution for insufficient evidence where no rational trier of fact could find that all elements of the crime were proven beyond a reasonable doubt. State v. Hardesty, 129 Wn.2d 303, 309, 915 P.2d 1080 (1996); State v. Hickman, 135 Wn.2d 97, 103, 954 P.2d 900 (1998). Accordingly, this Court should reverse and dismiss Pruitt's convictions for violating a protection order.

C. ANY FUTURE REQUEST FOR APPELLATE COSTS SHOULD BE DENIED.[6]

Under RCW 10.73.160 and RAP Title 14, this Court may

[6] Recently, in State v. Sinclair, Division 1 concluded "that it is appropriate for this court to consider the issue of appellate costs in a criminal case during the course of appellate review when the issue is raised in an appellant's brief." 192 Wn. App. 380, 389-90, 367 P.3d 612 (2016). Pruitt is including an argument regarding appellate costs in his opening brief in the event that this Court agrees with Division 1's interpretation of RAP 14.2.

order a criminal defendant to pay the costs of an unsuccessful appeal. RAP 14.2 provides, in relevant part:

> A commissioner or clerk of the appellate court will award costs to the party that substantially prevails on review, unless the appellate court directs otherwise in its decision terminating review.

But imposition of costs is not automatic even if a party establishes that they were the "substantially prevailing party" on review. State v. Nolan, 141 Wn.2d 620, 628, 8 P.3d 300 (2000). In Nolan, our highest Court made it clear that the imposition of costs on appeal is "a matter of discretion for the appellate court," which may "decline to order costs at all," even if there is a "substantially prevailing party." Nolan, 141 Wn.2d at 628.

In fact, the Nolan Court specifically rejected the idea that imposition of costs should occur in every case, regardless of whether the proponent meets the requirements of being the "substantially prevailing party" on review. 141 Wn.2d at 628. Rather, the Court held that the authority to award costs of appeal "is permissive," so that it is up to the appellate court to decide, in an exercise of its discretion, whether to impose costs even when the party seeking costs establishes that they are the "substantially prevailing party" on review. Nolan, 141 Wn.2d at 628.

Should the State substantially prevail in Pruitt's case, this Court should exercise its discretion and decline to award any appellate costs that the State may request. First, Pruitt owns no property or assets, has no savings, and has no job and no income. (CP 196-97) Pruitt will also be incarcerated for the next ten years. (CP 153) And, the trial court declined to order Pruitt to pay any non-mandatory trial LFOs. (CP 151, 10RP 938) Thus, there was no evidence below, and no evidence on appeal, that Pruitt has or will have the ability to repay additional appellate costs.

Furthermore, the trial court found that Pruitt is indigent and entitled to appellate review at public expense. (CP 198-99) This Court should therefore presume that he remains indigent because the Rules of Appellate Procedure establish a presumption of continued indigency throughout review:

> A party and counsel for the party who has been granted an order of indigency must bring to the attention of the trial court any significant improvement during review in the financial condition of the party. The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party's financial condition has improved to the extent that the party is no longer indigent.

RAP 15.2(f).

In State v. Sinclair, Division 1 declined to impose appellate

costs on a defendant who had previously been found indigent, noting:

> The procedure for obtaining an order of indigency is set forth in RAP Title 15, and the determination is entrusted to the trial court judge, whose finding of indigency we will respect unless we are shown good cause not to do so. Here, the trial court made findings that support the order of indigency.... We have before us no trial court order finding that Sinclair's financial condition has improved or is likely to improve. ... We therefore presume Sinclair remains indigent.

192 Wn. App. 380, 393, 367 P.3d 612 (2016). Similarly, there has been no evidence presented to this Court, and no finding by the trial court, that Pruitt's financial situation has improved or is likely to improve. Pruitt is presumably still indigent, and this Court should decline to impose any appellate costs that the State may request.

V. CONCLUSION

The trial court erred when it allowed Spearance's hearsay statements to be presented to the jury under the "excited utterance" hearsay exception, because the evidence did not support a finding that the statements were made while Spearance was under the stress of excitement of the event, which would have made fabrication unlikely. Rather, it is already established that some fabrication did occur. Accordingly, Pruitt's assault conviction should

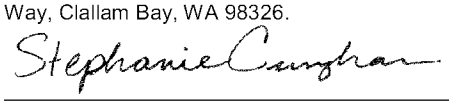
be reversed, and his case remanded for a new trial on that charge. Furthermore, the State failed to meet its burden of proving that Pruitt had knowledge of the protection order, and his convictions for violating that order should be vacated and the charges dismissed with prejudice. This Court should also decline any future request to impose appellate costs.

DATED: September 22, 2016

STEPHANIE C. CUNNINGHAM
WSB #26436
Attorney for Wallace Pruitt, III

CERTIFICATE OF MAILING

I certify that on 09/22/2016, I caused to be placed in the mails of the United States, first class postage pre-paid, a copy of this document addressed to: Wallace Pruitt, DOC# 808874, Clallam Bay Corrections Center, 1830 Eagle Crest Way, Clallam Bay, WA 98326.



STEPHANIE C. CUNNINGHAM, WSBA #26436

APPENDIX

DOMESTIC VIOLENCE NO-CONTACT ORDER ENTERED APRIL 13, 2015

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IN OPEN COURT
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April 13 2015 3:26 PM

Pierce County Clerk

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff, vs. WALLACE PRUITT, III Defendant	NO.: 15-1-01419-8 **Domestic Violence No-Contact Order** (orncpd) **PENDING DISPOSITION**
SID NO.: 15862294 **Date of Birth:** 04/08/1983 **Sex:** MALE **Eyes**: BROWN **Race**: BLACK **Weight**: 165lbs. **Height**: 6'0"	**Expires on: Apr 13, 2020** **(Clerk's Action Required)**

1. Based upon the certificate of probable cause and/or other documents contained in the case record, testimony, and the statements of counsel, the court finds that the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No-Contact Order shall be entered pursuant to chapter 10.99 RCW.

This order protects: Carol Curry, Date of Birth 12/09/1969

2. The court further finds that the defendant's relationship to the person protected by this order is **Girlfriend**.

3. The court makes the following findings pursuant to RCW 9.41.800**: or possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety, or to the health or safety of any individual**.

It is Ordered:

Defendant is ***Restrained*** from:

A. Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).

B. Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by defendant's lawyers with the protected person(s).

C. Entering or knowingly coming within or knowingly remaining within **1000 Feet** of the protected person'(s) residence, school, place of employment.

D. Obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

It Is Further Ordered:

The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to: **PCSD**

Warnings to the Defendant: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

Willful violation of this order is punishable under RCW 26.50.110. Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or RCW 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury in another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least two previous convictions for violating a protection order issued under Titles 7, 10, 26,or 74.

If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. § 2261, 2261A, or 2262.

In addition to the state and federal prohibitions against possessing a firearm upon conviction of a felony or a qualifying misdemeanor, upon the court issuing a no-contact order after a hearing at which the defendant had an opportunity to participate, the defendant, if a spouse or former spouse, a parent of a common child, or a current or former cohabitant as intimate partner of a person protected by this order, may not possess a firearm or ammunition for as long as the no-contact order is in effect. 18 U.S.C. § 922(g). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a $250,000 fine. If the defendant is convicted of an offense of domestic violence, the defendant will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C § 922(g)(9); RCW 9.41.040.

You can be Arrested even if the Person or Persons who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written appplication.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the Clerk of the Court shall forward a copy of this order on or before the next judicial day to the Law Enforcement Agency where the case is filed, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

This No-Contact Order Expires On **April 13, 2020, or until modified or terminated by the court.**

Done in Open Court in the presence of the Defendant: April 13, 2015.

Electronically signed by
/s/ MEAGAN M. FOLEY

Judge/Commissioner

WALLACE PRUITT, III
Defendant
Defendant unable to sign:
shackled

A completed law enforcement information sheet must be attached for identification purposes by the police or sheriff.

CUNNINGHAM LAW OFFICE

September 22, 2016 - 9:54 AM

Transmittal Letter

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Court of Appeals Case Number: 48713-6

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